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11 UNITED STATES DISTRICT COURT
 12 FOR THE DISTRICT OF NEVADA

13 THORNE HUCK and YVONNE HUCK,

14 Plaintiffs,
 15 vs.
 16 COUNTRYWIDE HOME LOANS, INC., a
 17 New York corporation; KUMUD PATEL,
 18 individually; COUNTRYWIDE FINANCIAL
 19 CORP., a Delaware corporation; MERSCORP,
 20 INC., a Virginia corporation; MORTGAGE
 21 ELECTRONIC REGISTRATION SYSTEMS,
 22 INC., a subsidiary of MERSCORP, INC., a
 23 Delaware corporation [MERS]; BANK OF
 24 AMERICA CORPORATION, N.A.;
 25 RECONTRUST COMPANY, N.A.; et al.,
 26
 27 Defendants.

28 Case: 3:09-cv-00643-RCJ-VPC

29 AMENDED ORDER CONCERNING
 30 MEDIATION AND INTERIM
 31 PAYMENTS

32 Pursuant to Court Order dated December 28, 2010 [Dkt. #42]:

33 IT IS HEREBY ORDERED that:

34 (a) The foreclosure of the property located at 213 Endeavor Lane, Fernley, Nevada,
 35 Parcel 20-912-02, is prohibited for 100 days from December 28, 2010, contingent
 36 on the following;

37 (i) Plaintiffs shall make full, regular payments under the note every
 38 thirty (30) days, with the first payment due fifteen (15) days after
 39 December 28, 2010. Plaintiffs need not pay late fees or cure the
 40 entire amount of past default at this time; and

41 IT IS FURTHER ORDERED;

That during the injunction period the Defendants will participate in a mediation through the State of Nevada Foreclosure Mediation Program with the Plaintiffs, in good faith and under the following conditions:

4 (i) Plaintiffs must provide Defendants with all necessary financial
5 information/documentation so a loan modification can be processed;

6 (ii) Defendants must have an individual, with loan modification
7 authority, present at the mediation and provide all documents
8 required by the state mediation program;

9 (iii) At the mediation, Plaintiffs are prohibited from making any
10 argument regarding "original note," securitization, existence of the
11 loan, or any other vapor money theories, as contained in their
12 Complaint; and

13 (iv) The purpose of the mediation is only to determine if Plaintiffs
14 qualify for a loan modification and if a loan modification can be
15 agreed to; and

IT IS FURTHER ORDERED that this case is not stayed, and Defendants are permitted to proceed with the filings of any pleadings; and

IT IS FURTHER ORDERED that if Plaintiffs do not make the required payments by the dates set forth in this Order, the injunction prohibiting foreclosure will be immediately lifted, without the need of a subsequent court order, and foreclosure can commence.

U.S. DISTRICT COURT JUDGE
DATED: - May 11, 2012

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1 Respectfully submitted by:

2 LEWIS AND ROCA LLP

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4 By J. CHRISTOPHER JORGENSEN, ESQ.
5 Attorney for Defendants

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